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NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS

Report of the Third Committee

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 50th plenary meeting, on 4 November 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled "Necessity of adopting effective measures for the promotion and protection of the rights of children throughout the world who are victims of especially difficult circumstances, including armed conflicts" and to allocate it to the Third Committee.

2. The Committee considered the item, in conjunction with agenda items 114 and 115, at its 36th to 55th meetings, on 17 to 19, 22 to 24, 26, 29 and 30 November and 1, 3, 6 and 8 December 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.36-55).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.39 and Rev.1

3. At the 50th meeting, on 3 December, the representative of Ecuador, on behalf of Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay and

Venezuela, as well as Australia, Burkina Faso, Cambodia, Côte d'Ivoire, Guinea-Bissau, Morocco and the Philippines, introduced a draft resolution entitled "Need to adopt efficient international measures for the prevention of the sale of children, child prostitution and child pornography" (A/C.3/48/L.39), which read:

"The General Assembly,

"Recalling the Convention on the Rights of the Child adopted by resolution 44/25 of 20 November 1989,

"Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for implementing the said Declaration adopted by the World Summit for Children on 30 September 1990, which establishes a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

"Mindful of the Vienna Declaration and Programme of Action, 1/ which requires effective measures against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse,

"Bearing in mind also resolution 1992/74 of the Commission on Human Rights of 5 March 1992 2/ by which the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

"Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur of the Commission on Human Rights on the sale of children,

"Deeply concerned by the persistence of the practices of the use of children for prostitution, sexual abuse and other activities, which may also often constitute exploitation of child labour,

"Deeply disturbed by the persistence of the practices of the sale of children and other practices, which may be linked to related disappearances, illegal adoptions, abandonment and kidnapping for commercial purposes,

"Regretting that one of the main difficulties found by the Special Rapporteur has been the lack of information on this issue,

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1/ A/CONF.157/23.

2/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

"Bearing in mind the different causes that influence the emergence, and continuation, of these special circumstances, including in particular poverty, natural disasters and armed conflicts and their harmful effects on the rights of children,

"Considering that it is necessary to deploy greater efforts at the national and international level to promote and protect the rights of children all over the world,

"Expressing its interest in benefiting from the studies, conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights,

"1. Expresses great concern at the growing number of incidents world wide related to the sale of children, child prostitution and child pornography;

"2. Urges Governments to continue searching for solutions as well as ways and means to enhance international cooperation to eradicate such aberrant practices;

"3. Expresses its support of the work of the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of child sales, child prostitution and child pornography, and urges him to continue his efforts in the discharge of his mandate;

"4. Urges all Governments to collaborate with the Special Rapporteur and to assist him by providing him with all the requested information;

"5. Calls upon those States that have not done so to become parties to the Convention on the Rights of the Child, and the States parties to the Convention, to implement national measures aimed at fulfilling the provisions of the Convention;

"6. Requests the Commission on Human Rights to give priority during its fiftieth session to the creation of a working group to elaborate guidelines for a possible draft convention on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures to prevent and eradicate these serious problems;

"7. Invites the Special Rapporteur of the Commission on Human Rights, within the framework of his mandate, to continue providing attention to the economic, social, legal and cultural factors affecting these phenomena;

"8. Requests the Special Rapporteur of the Commission on Human Rights to submit a provisional report to the Assembly at its forty-ninth session;

"9. Requests the Secretary-General, from within existing resources, to provide the Special Rapporteur and the working group to be created by the Commission on Human Rights with every necessary assistance;

"10. Decides to consider this question at its forty-ninth session, under the agenda item entitled 'Necessity of adopting effective measures for the promotion and protection of the rights of children throughout the world who are victims of especially difficult circumstances, including armed conflicts'."

4. In introducing the draft resolution, the representative of Ecuador orally revised it as follows:

(a) In the seventh preambular paragraph, the words "abandonment and kidnapping for commercial purposes" were replaced by "abandonment, kidnapping and abductions for commercial purposes";

(b) Operative paragraph 6 was revised to read:

"Requests the Commission on Human Rights to consider, during its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of guidelines, in close contact with the Special Rapporteur, of a possible draft convention on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating these serious problems;"

(c) A new operative paragraph 7 was introduced, reading as follows:

"Requests the Centre for Human Rights to transmit the content of the preceding paragraph to the Committee on the Rights of the Child so that it can express its comments;"

and the former operative paragraphs 7 to 10 were renumbered as 8 to 11.

(d) In former operative paragraph 9 (new paragraph 10), the words "to be created by the" were replaced by the words "of the".

5. At its 52nd meeting, on 6 December, the Committee had before it a revised draft resolution (A/C.3/48/L.39/Rev.1), submitted by the same sponsors as draft resolution A/C.3/48/L.39.

6. At the same meeting, Mongolia and India joined in sponsoring the revised draft resolution.

7. At the same meeting, the Committee adopted revised draft resolution A/C.3/48/L.39/Rev.1 without a vote (see para. 15, draft resolution I).

8. After the adoption of the draft resolution, statements were made by the representatives of Belgium (on behalf of the European Union), Canada, the United States of America and Japan (see A/C.3/48/SR.52).

B. Draft resolution A/C.3/48/L.40

9. At the 50th meeting, on 3 December, the representative of Ecuador, on behalf of Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay and Venezuela, as well as Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Cambodia, Côte d'Ivoire, Denmark, Ethiopia, Finland, France, Guinea-Bissau, Iceland, Ireland, Mongolia, Morocco, Namibia, Norway, Portugal, the Solomon Islands, Spain and Sweden, introduced a draft resolution entitled "Protection of children affected by armed conflicts" (A/C.3/48/L.40).

10. In introducing the draft resolution, the representative of Ecuador orally revised it as follows: in operative paragraph 7, the words "to prevent children from being affected by armed conflicts and to improve" should be inserted after the words "ways and means", and in the same paragraph the words "including indiscriminate use of all weapons of war, especially anti-personnel mines" should be inserted after the words "protection of these children".

11. At the 54th meeting, on 8 December, the representative of Ecuador further orally revised the draft resolution as follows: in operative paragraph 7, the words "in particular, measures to ensure proper medical care and adequate nutrition" should be inserted after the words "social reintegration".

12. At the same meeting, it was announced that Afghanistan, Andorra, Azerbaijan, Botswana, Cameroon, Canada, Cyprus, Egypt, Kyrgyzstan, Liechtenstein, Monaco, New Zealand, Nigeria, Pakistan, the Philippines, Rwanda, Tajikistan and Togo had joined in sponsoring the draft resolution as further orally revised.

13. The Committee had before it a statement on the programme budget implications of draft resolution A/C.3/48/L.40, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/48/L.82).

14. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.40 as orally revised (see para. 15, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

15. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Need to adopt efficient international measures for the prevention of the sale of children, child prostitution and child pornography

The General Assembly,

Recalling the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for Implementing the said Declaration, 3/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which establishes a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Mindful of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, 4/ which requires effective measures against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse,

Bearing in mind also Commission on Human Rights resolution 1992/74 of 5 March 1992, 5/ by which the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur of the Commission on Human Rights on the sale of children,

Deeply concerned by the persistence of the practices of the use of children for prostitution, sexual abuse and other activities, which may also often constitute exploitation of child labour,

Deeply disturbed by the persistence of the practices of the sale of children and other practices, which may be linked to related disappearances, illegal adoptions, abandonment, kidnapping and abductions for commercial purposes,

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3/ A/45/625, annex.

4/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

5/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Regretting that one of the main difficulties found by the Special Rapporteur has been the lack of information on this issue,

Bearing in mind the different causes that influence the emergence, and continuation, of these special circumstances, including in particular poverty, natural disasters and armed conflicts, and their harmful effects on the rights of children,

Considering that it is necessary to deploy greater efforts at the national and international level to promote and protect the rights of children all over the world,

Expressing its interest in benefiting from the studies, conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights,

1. Expresses great concern at the growing number of incidents worldwide related to the sale of children, child prostitution and child pornography;

2. Urges Governments to continue searching for solutions as well as ways and means to enhance international cooperation to eradicate such aberrant practices;

3. Expresses its support of the work of the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of child sales, child prostitution and child pornography, and urges him to continue his efforts in the discharge of his mandate;

4. Urges all Governments to collaborate with the Special Rapporteur and to assist him by providing him with all the requested information;

5. Calls upon those States which have not done so to become parties to the Convention on the Rights of the Child, and the States parties to the Convention to implement national measures aimed at fulfilling the provisions of the Convention;

6. Requests the Commission on Human Rights to consider, during its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of guidelines, in close contact with the Special Rapporteur, of a possible draft convention on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating these serious problems;

7. Requests the Centre for Human Rights to transmit the content of the preceding paragraph to the Committee on the Rights of the Child so that it can express its comments;

8. Invites the Special Rapporteur of the Commission on Human Rights, within the framework of his mandate, to continue providing attention to the economic, social, legal and cultural factors affecting these phenomena;

9. Requests the Special Rapporteur of the Commission on Human Rights to submit a provisional report to the Assembly at its forty-ninth session;

10. Requests the Secretary-General, from within existing resources, to provide the Special Rapporteur and the working group of the Commission on Human Rights with every necessary assistance;

11. Decides to consider this question at its forty-ninth session under the agenda item entitled "Necessity of adopting effective measures for the promotion and protection of the rights of children throughout the world who are victims of especially difficult circumstances, including armed conflicts".

DRAFT RESOLUTION II

Protection of children affected by armed conflicts

The General Assembly,

Reaffirming its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child, and its resolution 3318 (XXIX) of 14 December 1974, by which it proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recalling that the Geneva Conventions of 1949 6/ and the two Additional Protocols of 1977, 7/ as well as article 38 of the Convention on the Rights of the Child, accord children special protection and treatment,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for Implementing the said Declaration, 8/ which were adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, and stressing the necessity to implement their provisions,

Taking note of the report of the Committee on the Rights of the Child, on its third session, held at Geneva from 11 to 29 January 1993, 9/ in particular its recommendation to the General Assembly that the Secretary-General should undertake a study of the ways and means of improving the protection of children from the adverse effects of armed conflicts,

Recalling Commission on Human Rights resolution 1993/83 of 10 March 1993, 10/

6/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

7/ Ibid., vol. 1125, Nos. 17512 and 17513.

8/ A/45/625, annex.

9/ CRC/C/16.

10/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Mindful of the strong support of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for this proposed study, as stated in paragraph 50 of the Vienna Declaration and Programme of Action, 11/

Profoundly concerned about the grievous deterioration in the situation of children in many parts of the world as a result of armed conflicts, and convinced that immediate and concerted action is called for,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Recognizing the valuable work done by United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, in this field,

1. Expresses grave concern about the tragic situation of children in many parts of the world as a result of armed conflicts;

2. Calls upon States fully to respect the dispositions contained in the Geneva Conventions of 1949 and the two Additional Protocols of 1977, as well as in the Convention on the Rights of the Child, which accord children affected by armed conflicts special protection and treatment;

3. Urges all Member States to continue seeking comprehensive improvement of this situation, taking appropriate and concrete measures to alleviate it;

4. Requests bodies and organizations of the United Nations, as well as intergovernmental and non-governmental organizations, within the scope of their respective mandates, to cooperate in order to ensure more effective action in addressing the problem of the children affected by armed conflicts;

5. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on those concrete measures, related to paragraphs 3 and 4 of the present resolution, which have been taken to alleviate the situation of children in armed conflict;

6. Takes note with appreciation of the report of the Committee on the Rights of the Child on its third session 9/ and the recommendations contained therein concerning the situation of children affected by armed conflict;

7. Requests the Secretary-General to appoint an expert, working in collaboration with the Centre for Human Rights and the United Nations Children's Fund to undertake a comprehensive study of this question, including the participation of children in armed conflict, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts and to improve the protection of children in armed conflicts and on measures to ensure

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11/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

effective protection of these children, including indiscriminate use of all weapons of war, especially anti-personnel mines, and to promote their physical and psychological recovery and social reintegration, in particular measures to ensure proper medical care and adequate nutrition, taking into account the recommendations by the World Conference on Human Rights and the Committee on the Rights of the Child;

8. Requests Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the study requested in paragraph 7 of the present resolution;

9. Requests the Secretary-General to submit a progress report on the study to the General Assembly at its forty-ninth session;

10. Invites the Commission on Human Rights to consider the study at its fifty-first session;

11. Decides to consider this question at its forty-ninth session under the item entitled "Necessity of adopting effective measures for the promotion and protection of the rights of children throughout the world who are victims of especially difficult circumstances, including armed conflicts".